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CALIFORNIA LEGISLATURE—2007–08 REGULAR SESSION

## **ASSEMBLY BILL**

**No. 86**

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**Introduced by Assembly Member Lieu  
(Coauthors: Assembly Members Salas and Solorio)**

December 13, 2006

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An act to amend Sections 32261, 32265, 32270, and 48900 of the Education Code, relating to pupil safety.

### LEGISLATIVE COUNSEL'S DIGEST

AB 86, as amended, Lieu. Pupil safety.

Existing law, the Interagency School Safety Demonstration Act of 1985, states that the intent of the Legislature in enacting its provisions is to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will, among other things, reduce school crime and violence, including bullying. Existing law establishes the School/Law Enforcement Partnership and charges it with undertaking several efforts intended to reduce school crime, as specified, including bullying.

This bill would specify that bullying, as used in these provisions, *means one or more acts by a pupil or a group of pupils directed against*

*another pupil that constitutes sexual harassment, hate violence, or severe or pervasive intentional harassment, threats, or intimidation that is disruptive, causes disorder, and invades the rights of others by creating an intimidating or hostile educational environment, and includes acts that are committed personally or by means of an electronic act, as defined.*

Existing law prohibits the suspension, or recommendation for expulsion, of a pupil from school unless the principal determines that the pupil has committed any of various specified acts, including, but not limited to, hazing, as defined.

This bill, in addition, would give school officials grounds to suspend a pupil or recommend a pupil for expulsion for bullying, including, but not limited to, bullying by electronic act.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 32261 of the Education Code is amended  
2 to read:

3 32261. (a) The Legislature hereby recognizes that all pupils  
4 enrolled in the state public schools have the inalienable right to  
5 attend classes on school campuses that are safe, secure, and  
6 peaceful. The Legislature also recognizes that pupils cannot fully  
7 benefit from an educational program unless they attend school on  
8 a regular basis. In addition, the Legislature further recognizes that  
9 school crime, vandalism, truancy, and excessive absenteeism are  
10 significant problems on far too many school campuses in the state.

11 (b) The Legislature hereby finds and declares that the  
12 establishment of an interagency coordination system is the most  
13 efficient and long-lasting means of resolving school and community  
14 problems of truancy and crime, including vandalism, drug and  
15 alcohol abuse, gang membership, gang violence, and hate crimes.

16 (c) It is the intent of the Legislature in enacting this chapter to  
17 support California public schools as they develop their mandated  
18 comprehensive safety plans that are the result of a systematic  
19 planning process, that include strategies aimed at the prevention  
20 of, and education about, potential incidents involving crime and  
21 violence on school campuses, and that address the safety concerns  
22 of local law enforcement agencies, community leaders, parents,

pupils, teachers, administrators, school police, and other school employees interested in the prevention of school crime and violence.

(d) It is the intent of the Legislature in enacting this chapter to encourage school districts, county offices of education, law enforcement agencies, and agencies serving youth to develop and implement interagency strategies, in-service training programs, and activities that will improve school attendance and reduce school crime and violence, including vandalism, drug and alcohol abuse, gang membership, gang violence, hate crimes, bullying, including ~~acts~~ *bullying* committed personally or by means of an electronic act, teen relationship violence, and discrimination and harassment, including, but not limited to, sexual harassment.

(e) It is the intent of the Legislature in enacting this chapter that the School/Law Enforcement Partnership shall not duplicate any existing gang or drug and alcohol abuse program currently provided for schools.

(f) *As used in this chapter, “bullying” means one or more acts by a pupil or group of pupils as defined in Section 48900.2, 48900.3, or 48900.4.*

(g) As used in this chapter, an “electronic act” means the transmission of a communication, including, but not limited to, a message, text, sound, or image by means of an electronic device, including, but not limited to, a telephone, wireless telephone or other wireless communication device, computer, or pager.

SEC. 2. Section 32265 of the Education Code is amended to read:

32265. (a) The partnership shall sponsor at least two regional conferences for school districts, county offices of education, agencies serving youth, allied agencies, community-based organizations, and law enforcement agencies to identify exemplary programs and techniques that have been effectively used to reduce school crime, including hate crimes, vandalism, drug and alcohol abuse, gang membership and gang violence, truancy, and excessive absenteeism.

(b) The conference may include, but need not be limited to, information on all of the following topics:

(1) Interagency collaboration between schools, agencies serving youth, law enforcement agencies, and others.

(2) School attendance.

- 1 (3) School safety.
- 2 (4) Citizenship education.
- 3 (5) Drug and alcohol abuse.
- 4 (6) Child abuse prevention, detection, and reporting.
- 5 (7) Parental education.
- 6 (8) Crisis response training.
- 7 (9) Bullying prevention, including the prevention of acts
- 8 committed personally or by means of an electronic act.
- 9 (10) Threat assessment.
- 10 (11) Conflict resolution and youth mediation.
- 11 (12) Teen relationship violence.
- 12 (13) Discrimination and harassment reporting and prevention,
- 13 including, but not limited to, sexual harassment reporting and
- 14 prevention.
- 15 (14) Hate crime reporting and prevention.
- 16 (15) Reporting and prevention of abuse against pupils with
- 17 disabilities.

18 SEC. 3. Section 32270 of the Education Code is amended to  
19 read:

20 32270. (a) The partnership shall establish a statewide school  
21 safety cadre for the purpose of facilitating interagency coordination  
22 and collaboration among school districts, county offices of  
23 education, agencies serving youth, allied agencies,  
24 community-based organizations, and law enforcement agencies  
25 to improve school attendance, encourage good citizenship, and to  
26 reduce school violence, school crime, including hate crimes,  
27 vandalism, drug and alcohol abuse, gang membership and gang  
28 violence, truancy rates, bullying, including acts that are committed  
29 personally or by means of an electronic act, teen relationship  
30 violence, and discrimination and harassment, including, but not  
31 limited to, sexual harassment.

32 (b) The partnership may appoint up to 100 professionals from  
33 educational agencies, community-based organizations, allied  
34 agencies, and law enforcement to the statewide cadre.

35 (c) The partnership shall provide training to the statewide cadre  
36 representatives to enable them to initiate and maintain school  
37 community safety programs among school districts, county offices  
38 of education, agencies serving youth, allied agencies,  
39 community-based organizations, and law enforcement agencies  
40 in each region.

1 SEC. 4. Section 48900 of the Education Code is amended to  
2 read:

3 48900. A pupil shall not be suspended from school or  
4 recommended for expulsion, unless the superintendent or the  
5 principal of the school in which the pupil is enrolled determines  
6 that the pupil has committed an act as defined pursuant to any of  
7 subdivisions (a) to (r), inclusive:

8 (a) (1) Caused, attempted to cause, or threatened to cause  
9 physical injury to another person.

10 (2) Willfully used force or violence upon the person of another,  
11 except in self-defense.

12 (b) Possessed, sold, or otherwise furnished a firearm, knife,  
13 explosive, or other dangerous object, unless, in the case of  
14 possession of an object of this type, the pupil had obtained written  
15 permission to possess the item from a certificated school employee,  
16 which is concurred in by the principal or the designee of the  
17 principal.

18 (c) Unlawfully possessed, used, sold, or otherwise furnished,  
19 or been under the influence of, a controlled substance listed in  
20 Chapter 2 (commencing with Section 11053) of Division 10 of the  
21 Health and Safety Code, an alcoholic beverage, or an intoxicant  
22 of any kind.

23 (d) Unlawfully offered, arranged, or negotiated to sell a  
24 controlled substance listed in Chapter 2 (commencing with Section  
25 11053) of Division 10 of the Health and Safety Code, an alcoholic  
26 beverage, or an intoxicant of any kind, and either sold, delivered,  
27 or otherwise furnished to a person another liquid, substance, or  
28 material and represented the liquid, substance, or material as a  
29 controlled substance, alcoholic beverage, or intoxicant.

30 (e) Committed or attempted to commit robbery or extortion.

31 (f) Caused or attempted to cause damage to school property or  
32 private property.

33 (g) Stolen or attempted to steal school property or private  
34 property.

35 (h) Possessed or used tobacco, or products containing tobacco  
36 or nicotine products, including, but not limited to, cigarettes, cigars,  
37 miniature cigars, clove cigarettes, smokeless tobacco, snuff, chew  
38 packets, and betel. However, this section does not prohibit use or  
39 possession by a pupil of his or her own prescription products.

1 (i) Committed an obscene act or engaged in habitual profanity  
2 or vulgarity.

3 (j) Unlawfully possessed or unlawfully offered, arranged, or  
4 negotiated to sell drug paraphernalia, as defined in Section 11014.5  
5 of the Health and Safety Code.

6 (k) Disrupted school activities or otherwise willfully defied the  
7 valid authority of supervisors, teachers, administrators, school  
8 officials, or other school personnel engaged in the performance of  
9 their duties.

10 (l) Knowingly received stolen school property or private  
11 property.

12 (m) Possessed an imitation firearm. As used in this section,  
13 “imitation firearm” means a replica of a firearm that is so  
14 substantially similar in physical properties to an existing firearm  
15 as to lead a reasonable person to conclude that the replica is a  
16 firearm.

17 (n) Committed or attempted to commit a sexual assault as  
18 defined in Section 261, 266c, 286, 288, 288a, or 289 of the Penal  
19 Code or committed a sexual battery as defined in Section 243.4  
20 of the Penal Code.

21 (o) Harassed, threatened, or intimidated a pupil who is a  
22 complaining witness or a witness in a school disciplinary  
23 proceeding for the purpose of either preventing that pupil from  
24 being a witness or retaliating against that pupil for being a witness,  
25 or both.

26 (p) Unlawfully offered, arranged to sell, negotiated to sell, or  
27 sold the prescription drug Soma.

28 (q) Engaged in, or attempted to engage in, hazing. For purposes  
29 of this subdivision, “hazing” means a method of initiation or  
30 preinitiation into a pupil organization or body, whether or not the  
31 organization or body is officially recognized by an educational  
32 institution, which is likely to cause serious bodily injury or personal  
33 degradation or disgrace resulting in physical or mental harm to a  
34 former, current, or prospective pupil. For purposes of this  
35 subdivision, “hazing” does not include athletic events or  
36 school-sanctioned events.

37 (r) Engaged in an act of bullying, including, but not limited to,  
38 bullying committed by means of an electronic act, as defined in  
39 ~~subdivision (f)~~ subdivisions (f) and (g) of Section 32261, directed  
40 specifically toward a pupil or school personnel.

1 (s) A pupil shall not be suspended or expelled for any of the  
2 acts enumerated in this section, unless that act is related to school  
3 activity or school attendance occurring within a school under the  
4 jurisdiction of the superintendent *of the school district* or principal  
5 or occurring within any other school district. A pupil may be  
6 suspended or expelled for acts that are enumerated in this section  
7 and related to school activity or attendance that occur at any time,  
8 including, but not limited to, any of the following:

- 9 (1) While on school grounds.  
10 (2) While going to or coming from school.  
11 (3) During the lunch period whether on or off the campus.  
12 (4) During, or while going to or coming from, a school  
13 sponsored activity.

14 (t) A pupil who aids or abets, as defined in Section 31 of the  
15 Penal Code, the infliction or attempted infliction of physical injury  
16 to another person may be subject to suspension, but not expulsion,  
17 pursuant to this section, except that a pupil who has been adjudged  
18 by a juvenile court to have committed, as an aider and abettor, a  
19 crime of physical violence in which the victim suffered great bodily  
20 injury or serious bodily injury shall be subject to discipline pursuant  
21 to subdivision (a).

22 (u) As used in this section, “school property” includes, but is  
23 not limited to, electronic files and databases.

24 (v) A superintendent *of the school district* or principal may use  
25 his or her discretion to provide alternatives to suspension or  
26 expulsion, including, but not limited to, counseling and an anger  
27 management program, for a pupil subject to discipline under this  
28 section.

29 (w) It is the intent of the Legislature that alternatives to  
30 suspension or expulsion be imposed against a pupil who is truant,  
31 tardy, or otherwise absent from school activities.